

REMARKS

Claims 1-6 have been examined. With this amendment, Applicant adds claims 7-10.

Claims 1-10 are all the claims pending in the application. The Examiner has rejected claims 1-6.

I. Formalities

Applicant thanks the Examiner for acknowledging Applicant's claim for priority under 35 U.S.C. § 119 and for confirming receipt of the certified copy of the priority document.

However, the Examiner contends that the application was not timely filed in order to claim benefit of the priority document. Applicant submits that December 10, 2000, was a Sunday, therefore, a filing on December 11, 2000, is considered timely for a priority document dated December 10, 1999. See MPEP 201.13 (D) at page 200-72.

The Examiner did not acknowledge acceptance of the Formal Drawings filed on December 11, 2000. Applicant requests that the Examiner acknowledge acceptance of the drawings in the next Office Action.

II. Objections to the Specification and Abstract

The Examiner has objected to the Abstract of the disclosure because it allegedly contains more than 150 words and contains the term "said." The Examiner has objected to the specification because "Even in the even" on page 4, line 27 should read "Even in the event."

Applicant submits that the modifications to the Specification and Abstract obviate the objection.

III. Claim Rejections - 35 USC § 103

A. Claims 1, 2 and 4

The Examiner has rejected claims 1, 2, and 4 under 35 U.S.C. 103(a) as being unpatentable over Honma et al. (US 5,774,634) [“Honma”] in view of Shimazaki (US 5,019,896) [“Shimazaki”]. For at least the following reasons, Applicant traverses the rejection.

Claim 1 recites an image transformation apparatus comprising “an image sort discrimination section for discriminating whether the image received by said image receiving section is a halftone dot image or a multiple gradation image.” The Examiner contends that element 2 in Fig. 4 of Honma corresponds to this feature.

Honma discloses that an input image is divided into a character/line portion and an image portion such as a picture, and further identifies a half-tone portion in the character/line portion (see col. 9, lines 23-58, Fig. 4). After each divided portion is appropriately processed, first, the half-tone portion and the image portion are synthesized by the synthesizing circuit 13, and second, the character/line portion and the synthesized image portion obtained by the circuit 13 are synthesized by the synthetic circuit 6.

Based on the disclosure and the figures as a whole, Applicant submits that, at most, Honma discloses that the discrimination circuit 2 receives an image, divides the image into its portions and synthesizes the portions (please note that the corresponding Japanese application of Honma clearly uses the word meaning “dividing” in Japanese when describing the discriminating circuit 2). Therefore, Applicant submits that Honma does not disclose or suggest “an image sort discrimination section for discriminating whether the image received by said image receiving

section is a halftone dot image or a multiple gradation image.” Thus, the claimed image sort discrimination section is quite different from the discrimination circuit 2 of Honma.

Claim 1 also recites an image transformation apparatus that converts a “multiple gradation image to [a] halftone dot image when it is decided ...that the image received by said image receiving section is [a] multiple gradation image” and outputs “an image discriminated as the halftone dot image ... and an image converted into the halftone dot ... to an image output device.” The Examiner concedes that Honma does not disclose this feature but applies Shimazaki to allegedly cure the deficiency.

The Examiner contends that it would have been obvious to combine the halftone output of the discrimination apparatus 2 of Honma to the digital/analog section 104 (fig. 5 of Shimazaki) and the gradation image output of the discrimination apparatus 2 of Honma to the signal processing section 102 (fig. 5 of Shimazaki). The Examiner states that the reason for motivation would be to allow all images to be printed on a bi-level printer.

Shimazaki discloses a method of forming halftone data from an original comprising color images of a continuous tone from flat bed type scanners (col. 2, lines 58-60). The invention of Shimazaki aims to solve the problems of optical zooming and tone jumps in flat bed type scanners (col. 2, lines 41-55). There is no disclosure or suggestion in Shimazaki that its method would be applicable to data obtained from an apparatus other than from flatbed type scanners.

Therefore, Applicant submits that there is no support for the Examiner’s contention that the gradation image output signal from the discrimination apparatus 2 of Honma is compatible with the signal processing section 102 of Shimazaki. Similarly, there is no support in the prior

art that the halftone output from the discrimination apparatus 2 of Honma can be applied to the digital/analog section 104 of Shimazaki.

In addition, even if, for the sake of argument alone, the references were combined as suggested by the Examiner, the combination of Honma and Shimazaki still would not disclose or suggest the claimed image transformation section and the claimed driver section as set forth in claim 1. The Examiner concedes that Honma fails to disclose these sections but applies Shimazaki to allegedly cure the deficiency.

Applicant submits that because Honma fails to disclose the claimed image sort discrimination section for at least the reasons given above, the claimed image transformation section and the claimed driver section are also not disclosed or suggested by Honma and Shimazaki (taken alone or in combination) since these claimed sections use the result obtained by the claimed image sort discrimination section.

Further, the Examiner's proffered reason for combining (printing on bi-level printers) is not warranted. There is nothing in Honma that suggests the synthesized image cannot be output to a printer printing for multiple levels. Since this capability is already contemplated by Honma, the Examiner's proffered reason to make the combination is not supported.

Moreover, the source data of Shimazaki fundamentally differs from that of Honma. The processing concerns of each thus differ such that one skilled in the art would not turn to one to improve operations of the other.

Finally, a person of ordinary skilled in the art should not be motivated to combine Honma and Shimazaki because the discrimination circuit 2 of Honma receives and divides an input

image into: a character/line portion including a half-tone portion and an image portion. Honma's half-tone portion, which the Examiner contends is the claimed halftone dot image, is output to an image output device (without conversion), whereas, the image portion, which the Examiner contends is the claimed multiple gradation image, is output to the image output device after being converted into a half-tone portion (halftone dot image).

If Honma and Shimazaki are combined as suggested by the Examiner, the goal of Honma, which is to appropriately process each divided portion and synthesize them so that an improved image can be obtained, would not be achieved. There is no need for the invention in Honma to output portions divided from an image as separate images. Thus, a person skilled in the art would not have been motivated to combine the apparatus of Shimazaki with the technique of Honma.

Accordingly, the Examiner's speculation that combining the references would have been obvious to one skilled in the art and the proffered motivation are not evidence in the record as required by *Zurko*. See *In re Zurko*, 59 USPQ2d 1693 (Fed. Cir. 2001).

Because claims 2 and 4 depend on claim 1, Applicant submits that these claims are patentable at least by virtue of their dependency.

B. Claim 3

The Examiner has rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Honma in view of Shimazaki, and further in view of Triplett et al. (US 6347153) ["Triplett"]. For at least the following reason, Applicant traverses the rejection.

Because Triplett does not cure the deficient teachings of Honma and Shimazaki with respect to claim 1, Applicants submit that claim 3 is patentable at least by virtue of its dependency.

C. Claims 5 and 6

The Examiner has rejected claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honma in view of Shimazaki and further in view of Semasa (US 5,361,142 ["Semasa"]). For at least the following reasons, Applicant traverses the rejection.

Because claim 5 recites features similar to those as set forth in claim 1 and Semasa does not cure the deficient teachings of Honma and Shimazaki, Applicant submits that claim 5 is patentable for at least reasons similar to those given above with respect to claim 1.

Applicant submits that claim 6 is patentable at least by virtue of its dependency.

In addition, the Examiner contends that Honma, Shimazaki, and Semasa solve similar problems. Applicant disagrees.

Honma relates to optimizing compression, Shimazaki relates to avoiding image deterioration caused by superimposed halftone images and Semasa relates to improving image quality in rescanning and halftoning of images. Thus, Applicant submits that the problems to be solved by the respective references are quite different, and it would not have been obvious to one skilled in the art to combine the references as suggested by the Examiner.

IV. New Claims

With this amendment, Applicant adds claims 7-10. Applicant submits that these claims are patentable at least by virtue of their dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

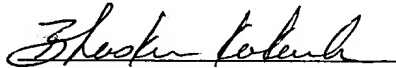
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